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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re REFCO INC. SECURITIES LITIGATION : Case No. 07-md-1902 (GEL)
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This Document Relates to:

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KENNETH M. KRYS and CHRISTOPHER :
STRIDE, as JOINT OFFICIAL LIQUIDATORS :
of SPHINX LTD., SPHINX STRATEGY FUND : Case No. 08-cv-3065 (GEL)
LTD.; :
SPHINX PLUS SPC LTD., SPHINX : Case No. 08-cv-3086 (GEL)
DISTRESSED LTD., SPHINX MERGER :
ARBITRAGE LTD.; SPHINX SPECIAL :
SITUATIONS LTD., SPHINX MACRO LTD.; :
SPHINX LONG/SHORT EQUITY LTD.; :
SPHINX MANAGED FUTURES LTD.; SPHINX : **NOTICE OF MOTION**
EQUITY MARKET NEUTRAL LTD.; SPHINX : **FOR REMAND AND/OR**
CONVERTIBLE ARBITRAGE LTD.; SPHINX : **ABSTENTION**
FIXED INCOME ARBITRAGE LTD.; SPHINX :
DISTRESSED FUND SPC; SPHINX MERGER :
ARBITRAGE FUND SPC; SPHINX SPECIAL :
SITUATIONS FUND SPC; SPHINX MACRO :
FUND SPC; SPHINX LONG/SHORT EQUITY :
FUND SPC; SPHINX MANAGED FUTURES :
FUND SPC; SPHINX EQUITY MARKET :
NEUTRAL FUND SPC; SPHINX :
CONVERTIBLE ARBITRAGE FUND SPC; :
SPHINX FIXED INCOME ARBITRAGE FUND :
SPC; PLUSFUNDS MANAGED ACCESS FUND :
SPC LTD.; KENNETH M. KRYS and :

CHRISTOPHER STRIDE as assignees of claims
 assigned by MIAMI CHILDREN'S HOSPITAL
 FOUNDATION, OFI, GREEN & SMITH
 INVESTMENT MANAGEMENT LLC, THALES
 FUND MANAGEMENT LLC, KELLNER
 DILEO & CO., LLC, MARTINGALE ASSET
 MANAGEMENT LP, LONGACRE FUND
 MANAGEMENT LLC, ARNHOLD & S.
 BLEICHROEDER ADVISERS LLC, PICTET &
 CIE, RGA AMERICA REINSURANCE
 COMPANY, DEUTSCHE BANK (SUISSE) SA,
 ARAB MONETARY FUND, HANSARD
 INTERNATIONAL LTD., CONCORDIA
 ADVISORS LLC, GABELLI SECURITIES, INC.,
 CITCO GLOBAL CUSTODY; and JAMES
 P. SINCLAIR as Trustee of the SPHINX TRUST,

Plaintiffs,

-against-

CHRISTOPHER SUGRUE; MARK
 KAVANAGH; BRIAN OWENS;
 PRICEWATERHOUSECOOPERS L.L.P.; MARI
 FERRIS; PRICEWATERHOUSECOOPERS
 CAYMAN ISLANDS; GIBSON, DUNN &
 CRUTCHER LLP; REFCO ALTERNATIVE
 INVESTMENTS LLC; GRANT THORNTON
 LLP; MARK RAMLER; ERNST & YOUNG U.S.
 LLP; MAYER BROWN LLP f/k/a MAYER
 BROWN ROWE & MAW LLP; JOSEPH
 COLLINS; EDWARD S. BEST; PAUL KOURY;
 PHILLIP R. BENNETT; ROBERT C. TROSTEN;
 TONE GRANT; SANTO MAGGIO; THOMAS
 HACKL; DENNIS KLEJNA; BAWAG P.S.K.
 BANK FUR ARBEIT UND WIRTSCHAFT UND
 OSTERREICHISCHE POSTPARKASSE
 AKTIENGESELLSCHAFT; JP MORGAN
 CHASE & CO.; CREDIT SUISSE SECURITIES
 (USA) LLC f/k/a CREDIT SUISSE FIRST
 BOSTON LLC; BANC OF AMERICA
 SECURITIES LLC; THOMAS H. LEE
 PARTNERS, L.P.; THOMAS H. LEE
 ADVISORS, LLC; THL MANAGERS V, LLC;
 THL EQUITY ADVISORS V, L.P.; THOMAS H.
 LEE EQUITY FUND V, L.P.; THOMAS H. LEE
 PARALLEL FUND V, L.P.; THOMAS H. LEE
 EQUITY (CAYMAN) FUND V, L.P.; THOMAS
 H. LEE INVESTORS LIMITED PARTNERSHIP;

1997 THOMAS H. LEE NOMINEE TRUST; :
 THOMAS H. LEE; DAVID V. HARKINS; :
 SCOTT L. JAECKEL; SCOTT A. SCHOEN; :
 WILLIAM T. PIGOTT; LIBERTY CORNER :
 CAPITAL STRATEGIES, LLC; EMF :
 FINANCIAL PRODUCTS LLC; EMF CORE :
 FUND LTD.; DELTA FLYER FUND LLC; ERIC :
 M. FLANAGAN; INGRAM MICRO, INC.; CIM :
 VENTURES, INC.; BECKENHAM TRADING :
 CO., INC.; ANDREW KRIEGER; COAST :
 ASSET MANAGEMENT, LLC, f/k/a COAST :
 ASSET MANAGEMENT LP; CS LAND :
 MANAGEMENT LLC; CHRISTOPHER :
 PETTIT; and REFCO GROUP HOLDINGS, :
 INC.; and REFCO ASSOCIATES, INC., :
 :
 Defendants :
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PLEASE TAKE NOTICE that, upon the annexed Declaration of David J. Molton dated April 25, 2008 (the “Molton Declaration”), and the exhibits attached thereto, the annexed Declaration of Stephen G. Crane, dated April 23, 2008 (the “Crane Declaration”), and the exhibits attached thereto, the accompanying Memorandum of Law in Support of Plaintiffs’ Motion for Remand and/or Abstention, dated April 25, 2008, and upon all of the pleadings and papers heretofore filed herein, plaintiffs Kenneth M. Krys, et al., by and through their undersigned counsel, move this Court for remand and/or abstention.

PLEASE TAKE FURTHER NOTICE that, in accordance with the Scheduling Order dated April 9, 2008, all opposition papers, if any, shall be filed no later than 30 days after service of this Motion, and Plaintiffs’ reply papers shall be served no later than 14 days after the service of the last of the opposition papers to be served on Plaintiffs.

Dated: New York, New York
April 25, 2008

Respectfully submitted,

BROWN RUDNICK BERLACK ISRAELS LLP

By: /s/ David J. Molton

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